In the Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-346

WILLIAM E. HUMBLE, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

Petitioner has been placed on probation after conviction, in a jury trial in the District Court for the Central District of California, of obstruction of correspondence in violation of 18 U.S.C. 1702 and possession of stolen mail in violation of 18 U.S.C. 1708. On February 18, 1972, the court of appeals dismissed an appeal from the conviction for failure to perfect the appeal within the allotted time (Pet. App. 5a).

In May 1972, petitioner attempted to file with the Clerk of this Court a paper entitled "Class Action Complaint," seeking nine billion dollars in damages, apparently on the grounds the government had falsely prosecuted him for "stealing his own mail" and had "instrumentally blocked" his appeal.

In June 1972, he submitted to this Court a "Notice of Appeal," referring to the district court criminal docket number but setting forth the same nine billion dollar damage claim contained in his "Class Action Complaint."

The present "petition for writ of certiorari" was filed on August 28, 1972. It does not describe what order of a lower court is sought to be reviewed, but does refer to the dismissal of the appeal from the conviction and to the Clerk's refusal to docket the "Class Action Complaint" in this Court. However, the "questions presented" seem to deal only with allegations that petitioner is entitled to compensatory and punitive damages from the government, the Postal System, and an unnamed state, county, and city.

It is clear that, viewed as a petition for certiorari, the "petition" is untimely and does not conform with the substance of Rule 23(4), since it fails to present "with accuracy, brevity, and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration * * *."[1]

---

[1] Of course, to the extent petitioner seeks to revive an attempt to file an orginal action for damages in this Court, there is no jurisdiction to entertain the action.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

OCTOBER 1972.

☆ U. S. GOVERNMENT PRINTING OFFICE: 1972 470-493 229